

**REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 18 and 22-24 are amended.

***Claim Objections***

Claim 18 is objected to because of the informalities. Claim 18 has been amended to correct the informalities. Thus, the objection as it applies to claim 18 should be withdrawn.

Claims 22-24 are objected to because of the informalities. Claims 22-24 have been amended to correct the informalities. Thus, the objection as it applies to claims 22-24 should be withdrawn.

***Claim Rejections - 35 USC § 103***

Claims 14-18 and 20-32 are rejected under 35 U.S.C. 103(a) over Wilson US Patent Pub. No.: 2003/0114184) in view of Read et al. US Patent No.: 5,890,052 (hereinafter "Read").

Regarding claim 14, neither Wilson nor Read, alone or in combination, discloses, teaches or renders foreseeable that the bendable member has an arc shape in sectional view perpendicular to a direction in which the bendable member bridges the two housing portions while the two housings are in an unfolded state.

Read is silent about the above feature. Read is merely cited for the use of the sheet shaped member.

The Office action states that Wilson teaches that each strap 30 has a central substantially oval embossed or depressed region 33 to provide additional strength and rigidity thereto. However, there is no disclosure in Wilson that the central substantially oval embossed or depressed region 33 has an arc shape in sectional view perpendicular to a direction in which the region 33 bridges the two housing portions while the two housings are in an unfolded state. The mere fact that the region 33 is embossed or depressed at its center does not mean that the sectional view of the region 33 has an arc shape. Wilson is silent about the sectional shape of the region 33.

Also, "obvious to try" rationale is not applicable to the present invention. According to MPEP §2143 and 2145, obvious to try is choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success (KSR International, Co. v. Teleflex Inc., 550 U.S. 398). That is not the case here. Since Wilson is silent about the sectional shape of the region 33, there are an infinite number of sectional shapes in the region 33 any one of which could have been selected for each strap 30. For example, in a case where the oval embossed or depressed region 33 is crafted by fixing an oval shaped plate onto a rectangular plate, the sectional view is not an arc shape but a bow shape. There is no reason for a person of ordinary skill to select an arc shape from the infinite number of sectional shapes in the region 33.

Accordingly, the combination of Wilson and Read does not meet all of the limitations of claim 14. Therefore, the asserted combination of Wilson and Read does not render claim 14 obvious. Thus, withdrawal of the rejection as it applies to claim 14 is respectfully requested.

In addition, Wilson is not combinable with Read. Although a rigid “teaching, suggestion, or motivation” test (TSM test) is not an appropriate test for obviousness inquiry, it is still required to show a reason for combining the elements in the manner claimed (KSR International, Co. v. Teleflex Inc., 550 U.S. 398). Here, since the electronic device of Wilson has the front casing portion 2 and the rear casing portion 3 which are directly connected via the flexible member 5, there is no reason to add the foldable wallet of Read. The Office action states combining the mobile phone of Wilson with Read reduces bulk as taught by Read. However, adding the foldable wallet of Read to the mobile phone of Wilson actually increases bulk. Therefore, there is no reason for one of ordinary skill in the art to combine the mobile phone of Wilson with Read.

Accordingly, Wilson is not combinable with Read. Thus, withdrawal of the rejection as it applies to claim 14 is respectfully requested.

Similar arguments apply to claim 15, 20 and 25.

Claims 16, 21-24, and 27-29 which are directly or indirectly dependent from claim 14 should be allowable for at least the same reason as claim 14.

Claims 17, 18, and 30 which are dependent from any one of claim 15 should be allowable for at least the same reason as claim 15.

Claims 31 which are dependent from claim 20 should be allowable for at least the same reason as claim 20.

Claims 26 and 32 which are dependent from claim 25 should be allowable for at least the same reason as claim 25.

Claims 20, 22, 31, 35, 39 are rejected under 35 U.S.C. 103(a) over Wilson US Patent Pub. No.: 2003/0114184) in view of Read et al. US Patent No.: 5,890,052 (hereinafter "Read") and further in view of Holtorf et al. US Patent No.: 7,251,323 (hereinafter "Holtorf").

Regarding claim 20, none of Wilson, Read and Holtorf, alone or in combination, discloses, teaches or renders foreseeable that the bendable member has a curved shape in sectional view perpendicular to a direction in which the bendable member bridges the two housing portions while the two housings are in an unfolded state. Neither Wilson nor Read discloses the above feature, as discussed above regarding claims 14-18 and 20-32. The Office action states that Holtorf teaches the connecting portion covers the flexible wiring member and the receiving antenna. However, there is no disclosure in Holtorf that the connecting portion has a curved shape in sectional view perpendicular to a direction in which the connecting portion bridges the two housing portions while the two housings are in an unfolded state. Accordingly, the combination of Wilson, Read and Holtorf does not meet all of the limitations of claim 20. Therefore, the asserted combination of Wilson, Read and Holtorf does not render claim 20 obvious. Thus, withdrawal of the rejection as it applies to claim 20 is respectfully requested.

Claim 22 is indirectly dependent from claim 14. Thus, all of the limitations of claim 14 are included in claim 22. For the same reason as claim 14, claim 22 should be allowable.

Holtorf is merely cited for the connecting portion covering the flexible wiring member and the receiving antenna.

Claims 31, 35, 39 which are dependent from claim 20 should be allowable for at least the same reason as claim 20.

Claims 23-24 are rejected under 35 U.S.C. 103(a) over Wilson US Patent Pub. No.: 2003/0114184) in view of Read et al. US Patent No.: 5,890,052 (hereinafter "Read") and further in view of Holtorf et al. US Patent No.: 7,251,323 (hereinafter "Holtorf") and further in view of Mendolia US Patent No.: 6,965,790.

Claims 23-24 is indirectly dependent from claim 14. Thus, all of the limitations of claim 14 are included in claims 23-24. For the same reason as claim 14, claims 23-24 should be allowable. Holtorf is merely cited for the connecting portion covering the flexible wiring member and the receiving antenna. Mendolia is merely cited for fixing both ends of the bendable member in the longitudinal direction to leading ends of bosses provided on the two housing portions.


In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/576,630  
Amdt. Dated: March 12, 2010  
Reply to Office action of December 15, 2009

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NGB-40271.

Respectfully submitted,

PEARNE & GORDON LLP

By:   
Nobuhiko Sukenaga, Reg. No. 39446

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: March 12, 2010